

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JETAUN HUNLEY,

Plaintiff,

v.

**DECISION AND ORDER**  
04-CV-678S

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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1. Plaintiff commenced the above-captioned case on August 20, 2004, by filing a *pro se* Complaint in the United States District Court for the Western District of New York.

2. On April 14, 2005, Defendant filed a Motion for Judgment on the Pleadings. Plaintiff was directed to respond to Defendant's Motion by May 11, 2005, which she failed to do.

3. Thereafter, on May 27, 2005, Plaintiff filed a Motion for Extension of Time to File a Response. Plaintiff indicated that she did not receive notice of a date to file a reply to Defendant's Motion.

4. On June 13, 2005, this Court entered a Decision and Order granting Plaintiff's Motion for Extension of Time to File a Response, and directing Plaintiff to file and serve a response to Defendant's Motion for Judgment on the Pleadings on or before Friday, June 24, 2005. Plaintiff, however, did not file a response as directed.

5. By Order entered on November 4, 2005, this Court directed Plaintiff to file and serve a response on or before November 18, 2005. A review of the docket reveals that Plaintiff has not filed a response.

IT HEREBY IS ORDERED that Plaintiff shall file with the Clerk of the Court and serve a response to Defendant's Motion for Judgment on the Pleadings on or before Wednesday, December 21, 2005.

FURTHER, that Defendant shall file with the Clerk of the Court and serve any reply thereto on or before Friday, January 6, 2006.

FURTHER, that oral argument shall be scheduled as necessary.

FURTHER, that Plaintiff is advised that failure to respond to Defendant's Motion may result in ***dismissal*** of this action, if justice so requires.

SO ORDERED.

Dated: December 8, 2005  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge